

**EXHIBIT D**  
**Plaintiff's Memorandum of Law in Support of Summary Judgment**  
**Declaration of Jeryl Turco**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JERYL TURCO,

Plaintiff,

v.

CITY OF ENGLEWOOD,  
NEW JERSEY,

Defendant.

Case No. 2:15-cv-03008

Judge Susan D. Wigenton  
Magistrate Judge Leda D. Wettre

**DECLARATION OF JERYL TURCO**

I, Jeryl Turco, an adult resident of the State of New Jersey, and Plaintiff in this action, state the following based on my personal knowledge:

1. I am a Catholic and a volunteer pro-life sidewalk counselor. I have a deeply held religious belief that abortion takes the life of an innocent child and is, therefore, immoral.

2. I am compelled by my conscience to express my religious views concerning abortion on public sidewalks and venues in Englewood, including on

the public sidewalk in front of Metropolitan Medical Associates, located at 40 Engle Street in Englewood (hereafter, “the abortion clinic” or “MMA”).

3. The public sidewalk in front of the abortion clinic is the only location where I can have an effective communicative impact on people going into or leaving the abortion clinic, which is my intended audience.

4. For over nine years, I have regularly used the public sidewalk in front of and/or adjacent to MMA each Saturday morning to speak with individuals heading to or from the abortion clinic and to offer them literature, rosaries, and information about alternatives to abortion.

5. I am motivated by my faith to speak with individuals heading to and/or from the abortion clinic in a friendly, peaceful, conversational, and non-confrontational manner.

6. When using the public sidewalk near MMA, I have been, and desire to continue to be, a sidewalk counselor who extends compassion and assistance to women who are considering, or recovering from, having an abortion.

7. I consider it essential to maintain a caring demeanor, a calm tone of voice, and eye contact during my exchanges with individuals heading to or from the abortion clinic. I believe that this method of expression is a much more effective means of dissuading women from having abortions than confrontational methods like shouting.

8. Statements I have often said to women who are heading toward the abortion clinic include: “Would you like a rosary?,” “Here is some information about fetal development,” “God loves you and your baby,” “We can help you,” “We are praying for you,” and “There is a center across the street that can help you” (referring to a crisis pregnancy center located across the street called Our Gift of Hope).

9. I do not consider myself to be a “protestor” or “demonstrator” when using the public sidewalk near the abortion clinic, as yelling or being confrontational or aggressive would be contrary to, and would interfere with, my intended method of counseling women.

10. When I use the public sidewalk in front of the abortion clinic, I do not block or obstruct pedestrians using the sidewalk or obstruct entrance to, or exit from, the abortion clinic.

11. Sometime in the fall of 2013, a group of protestors, associated with a church called the Bread of Life, started to come to the abortion clinic just about every week to protest abortion. I have nothing to do with the Bread of Life group; indeed, I find their methods abhorrent and counter-productive.

12. Bread of Life demonstrators typically shout at persons entering and leaving the abortion clinic and have, in the past, voiced anti-Catholic statements at

me. When Bread of Life protestors interfere with my efforts to counsel women, I do my best to ignore them and focus on the women I am there to counsel.

13. According to my past and continuing experience of going to the public sidewalk in front of MMA every Saturday, Bread of Life protestors show up for a few hours at a time, usually between 8 AM and 11 AM.

14. In March 2014, the City of Englewood passed an ordinance (hereafter, the “Ordinance”) that created buffer zones around the front door of the abortion clinic and the abortion clinic’s driveway.

15. The first set of lines drawn on the sidewalk were white lines drawn approximately eight feet from the sides of the abortion clinic’s front door and eight feet from the sides of the abortion clinic’s driveway entrance. Those lines were straight lines from the wall of the abortion clinic to the sidewalk.

16. Sometime thereafter, yellow lines were drawn on the sidewalk. Those lines created eight foot arcs from both sides of the abortion clinic’s front door and driveway entrances. Within those arcs are rectangular zones that extend from the sides of the clinic’s front doors and driveway entrances all the way to the street.

17. The white and yellow lines shown in this photograph (attached hereto as Exhibit 1) remain outside the abortion clinic’s front door to this day. (At some point, I believe in 2015 or 2016, the yellow arc to the left of the entrance door was

covered over by stone pavement placed by the restaurant next door to MMA. That arc remains covered up.):



18. The white and yellow lines shown in this photograph (attached as Exhibit 2) remain outside the abortion clinic's driveway entrance to this day:



19. This photograph (attached as Exhibit 3) accurately shows the relationship between the abortion clinic's front door and driveway entrance:





20. As a result of the Ordinance, I am in effect prohibited from entering, remaining in, or using a large expanse of public sidewalk—approximately 50 to 60 feet in length and encompassing the entire width of the sidewalk—that runs along the entire front of the clinic and part of the adjoining properties, unless I walk through one of the buffer zones (thereby risking being cited for violating the Ordinance) or unless I enter the space between the two zones by walking into Engle Street.

21. Prior to the enactment of the Ordinance, women would often walk along the public sidewalk in front of nearby buildings, then in front of the abortion



clinic, before entering the clinic, and would take the same route after exiting the clinic.

22. Prior to the enactment of the Ordinance, I would often have the opportunity to hand literature and a rosary to women who were interested in receiving them, and to engage in discussions in a conversational tone with them, as they walked along the public sidewalk in front of nearby buildings and in front of the abortion clinic.

23. My counseling efforts have been considerably hampered due to the enactment and enforcement of the Ordinance.

24. As a result of the enactment of the Ordinance, my ability to engage in peaceful conversations, and to offer literature and/or a rosary to interested individuals passing by on the public sidewalk, has been severely restricted.

25. In my years of experience in sidewalk counseling in front of MMA, I have come to learn that every second and every inch matters. The longer I have to speak closely and intimately with women, the better chance I have in effectively sharing my message of hope with them.

26. The Ordinance compromises my ability to initiate the close, personal conversations that I view as essential to sidewalk counseling and also significantly hampers my ability to offer literature and rosaries to individuals on the public sidewalk.

27. Since the enactment of the Ordinance, whenever I have attempted to use public sidewalks located outside of the prohibited area in order to communicate with individuals heading to or from the abortion clinic, there have typically been two or three volunteer “escorts,” acting as agents of the clinic, who freely use the area of public sidewalk located inside the outermost boundaries of the painted lines during the clinic’s business hours.

28. These “escorts” have often used various methods to prevent me from having any possibility of engaging in a conversational discussion with individuals heading to or from the clinic, including placing themselves as a physical barrier between the individuals and myself, singing and shouting loudly to drown out the sound of anything I say, and trying to persuade individuals to not accept my literature and rosaries by saying things like “You don’t need that,” “Don’t listen to her,” or “She’s lying.” The “escorts” engage in these activities on the public sidewalk—including within the prohibited area—and also frequently enter and exit the abortion clinic.

29. These zones have made it very difficult for me to counsel women entering and leaving the abortion clinic. Navigating the various buffer zones painted on the sidewalk at 40 Engle Street is like walking through an obstacle course. I often have to stop walking and speaking closely with a woman because of the painted yellow line.

30. In the winter, piles of snow alongside the street make it burdensome, if not impossible, for me to walk around the zones to counsel women entering or leaving the abortion clinic.

31. Engle Street, the one-way street that runs in front of the abortion clinic, is often a busy road. Not infrequently, cars are parked along the street next to the sidewalk in front of the abortion clinic.

32. The last time I went to the abortion clinic to engage in sidewalk counseling was on Saturday, April 15, 2017.


33. Bread of Life protestors were present that day.

34. The March 2014 Ordinance has not stopped Bread of Life Protestors from shouting at women, holding graphic signs, filming patients, or harassing me because of my Catholic beliefs.

**DECLARATION PURSUANT TO 28 U.S.C. § 1746**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 18, 2017

  
Jerry Turco

**EXHIBIT 1**  
**Declaration of Jeryl Turco**



**EXHIBIT 2**  
**Declaration of Jeryl Turco**







**EXHIBIT 3**  
**Declaration of Jeryl Turco**

